

FILED
COURT OF APPEALS
DIVISION II

2016 AUG 31 AM 11:00

STATE OF WASHINGTON

BY *[Signature]*
DEPUTY

No. 48619-9-11

COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II

Gerald Cameron

Appellant,

v.

STATE OF WASHINGTON,

Appellee.

STATEMENT OF ADDITIONAL GROUNDS, RAP 10.10

name: Gerald Cameron

DOC# 758028, Unit H-5

Stafford Creek Corrections Center

191 Constantine Way

Aberdeen, WA 98520-9504

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
FOR DIVISION II

Gerald Cameron
Petitioner,

) Case No.: 48619-9-11

vs.
State
Respondent

) STATEMENT OF ADDITIONAL
) GROUNDS, PURSUANT TO
) RAP 10.10
)
)
)
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)
)

I, Gerald Cameron, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in the brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

Reasonable Doubt: Not Guilty beyond
reasonable doubt states witnesses
give account of being first aggressor,
Therefore the evidence presented does
not meet the elements of the crime of
Harassment Death threat: see attached papers

Additional Grounds:
(1) Reasonable Doubt;

Not Guilty Beyond a Reasonable Doubt;
Since the alleged victim does give an account of being the first aggressor, therefore the evidence presented, does not meet the element's of the crime of "Harrasment Death Threat". There is sufficient testimony to support that there was reasonable doubt as to the element's of the crime of "Harrasment Death Threat".

Additionally, the jury during deliberations questioned the court concerning how a threat is viewed.

Jury's Question to the Court:
(Page: 421 Line 8-11)

The question per verbatim: "Re: Felony Harrasment."
Immediately, or in the Future ~ Is this at (sic) the threat is made? Or can the fear be activated by actions that occur later?

~~Def 11 continued~~

Reasonable Doubt: Text: The measure of evidence required in an action, suit, or proceeding for the establishment of the Truth, of an allegation pleaded by verdict of the jury, or of the finding by court, in a trial to the court. In civil actions; the measure is ordinarily a preponderance of the evidence. In criminal prosecutions, proof beyond a reasonable doubt is required to convict.



~~Def 11~~

Black's Law states; Aggressor: The principle precluding tort recovery for a plaintiff who acts in a way that would provoke a reasonable person to use physical force for protection.

Aggressor; Text; (1)

A person who willingly or knowingly, after meeting his antagonist begins about an affray or deadly conflict by using threatening language or doing some act reasonably calculated to lead to such an affray, (2) in order to make a man guilty of

murder, as the aggressor, the one in fault or the one who provokes a difficulty in which his adversary is killed, he must have provoked or do him great bodily harm, or to afford him a pretext for wreaking his malice upon his adversary.



Felony Harassment

Page: 362, Line: 25 - Page 363,
Line: 1-11

To convict the defendant of the crime of Felony Harassment, each of the following elements of the crime must be proved beyond a reasonable doubt:

- (1) That on or about June 17th, 2015, the defendant knowingly threatened to kill Gary James Sommerville immediately or in the future.
- (2) That the words or conduct of the defendant placed Gary James Sommerville in reasonable fear that the threat to kill would be carried out.

(3) That the defendant acted without lawful authority; and (4) That the threat was made or received in the state of Washington. (Coss by Pasco/ Sommerville.)

[Page 181.]

(8) Q; "And when did you come up to get the Allen wrench, (9) did you have the hoe handle with you?" (10) A; "No". (11) "Did you have your jacket with you?" (12) "No". (13) "Did you have your knife with you?" (14) "No". (15) Q; "And Ms. Lentz informed you that Mr. Cameron is there?" (18) A; "Yeah". (19) Q; "You put on your jacket?" (20) A; "Uh-huh". (21) Q; "You picked up the wooden handle of a broken hoe?" (22) A; "Yup". (Page 182).

(10) Q; "All right, and you arm yourself with this (11) hoe handle because you anticipated (12) a confrontation with Gerald later that evening, is that correct?" (13) A; "Yes". (14) Q; "And as you approached their camp a second time that night, (15) you overheard her saying; 'pack up your stuff and leave'?" (16) A; "Yes". (17) "Here, down this trail, it's 300, + 300 yards to my campsite". (25) Q; "OK, so you came up here with the hoe handle?"

[Page: 184] (1) A; "using it as a walking stick". (16) Q; "and how long elapsed between when you came up to get (17) the tool, without the walking stick, and when you went (18) back, got the walking stick, and proceeded back toward's your camp?" (19) A; "About an hour."

(17) -- the two of you? (18) And you said, "Yes", She was on top, enjoying herself? (19) A: "Yeah". (20) Q: "And Mr. Cameron still doesn't have --" (21) A: "No". (22) Q: "-- Any weapon in his hand --" (22) A: "No". Page: 193.

(2) Q: "So when he first said it, you didn't believe him, that he was going to --" (4) A: "No". (5) Q: "-- do anything, right?" (6) A: "No, That's --" (13) Q: "-- but you didn't feel threatened enough to (14) pick up your pace?" (15) A: "No". Page 228

Cross Examination (continued.)

(3*) Q: "OK, so you stopped to confront him, yes?" (25) A: "Yes". Page: 229

(1) Q: "And you were armed with a hoe handle that you call a walking stick?" (8) Q: "And so by the time you and he exchanged any blows," (9) Q: "Is she some distance down the --" (10) A: "Yes" (11) Q: "-- trail?" (19) Q: "And you confronted Gerald by swinging the hoe handle at him first, is that correct?" (21) A: "Yes, yes". Page: 232

(14) Q: "So Gerald's first hit struck you where ---" (15) A: "in the hand". (16) Q: "And that was the hand swinging the hoe handle --" (17) A: "Yes".

(18) Q: As you are walking by Ms. Lentz, you invite her, (19) "Come on, Dee, let's go?" (20) "yes". (21) Q: "Okay, when you made the invitation to her, had you (22) already seen him or had you not seen him?"

(23) A: I had seen him there, yeah." Page: 187.

(21) A: They were facing the slough, facing (14) They were both there (22) sitting there. Page 188

(3) Q: "Come on Dee, let's go"? (4) A: They were both sitting there?"

(6) A: "Yeah, they're both sitting there." Page: 189

(15) Q: "And Gerald didn't have a metal bar with him at this point?"

(16) A: "No" (17) Q: And you had a hoe handle that you were using as a walking stick at this point? (19) "Yes" Page: 190

(6) Q: "And so when you interrupted their conversation, (7) he objects, and says; "Do you mind, I am talking to my girlfriend, is this correct?" (9) A: "Yeah", "Yes". (10) Q: "And you responded,

"Don't you mean your Ex-old lady"? (11) A: "Yeah". (12) Q: "She's been my old lady since you've been gone"? (13) A: "Uh huh".

(14) Q: "And then right there, is where you have a conversation about he asked or inquires about sex between," (16) A: "Yeah".

(24)Q "And you had a pocket knife in your pocket?" (25)A; "I had it in my pocket of my jacket." Page: 234

(1)Q; "And that's the jacket that you went back to (2) retrieve when you knew that Gerald was present?" (3)A; "Yes." Page 234

(9)Q; "And you've told Deana that you'd slice your (10) wrist and arm before you'd go back to jail?" (11)A; "That was when I got arrested in June -- July 14th."

Argument:

Element's (2) and (3) of Treason
Harassment was not met.

Element (2): Gary James Sommerville's own words on page page 193, line 2, -Q; "So when he first said it, you didn't believe him, that he was going to -- (line 4) Answer; "No". So Element (2) was not met. Element (3): Gary James Sommerville's stated on page; 232; (14)Q; "So Gerald's first hit struck you where -- (15)A; "in the hand (16)Q; "and that was the hand swinging a hoe handle -- (17) answer; "Yes" "So I Gerald Cameron was not acting without lawful authority :. Page 366

Page: 366 : Court's Instructions to the Jury;

(21) It is lawful for a person who is in a place where that

(22) person has a right to be, and who has reasonable grounds (23) for believing that he is being attacked to stand his ground (24) and defend against such an attack by the use of lawful force. (25) The law does not impose an duty to retreat, Notwithstanding. Page: 367

(1) The requirement that lawful force be not more than is (2) necessary the law does not impose a duty to retreat. (3) Retreat should not be considered by you as a reasonably (4) effective alternative.

Do to the Element's (2) & (3) of Felony Harassment not being met, I am asking that the Felony Harassment conviction be reversed and remanded. As those rights touted by the state are those of the Defendant, not the State.

Thank you for Your Time, and Your Consideration on my case....

Sincerely: 